



Theodore W. Ruger
Dean and Bernard G. Segal Professor of Law
3501 Sansom Street
Philadelphia, PA 19104-6204
Tel 215.898.7061 Fax 215.573.2025
truger@law.upenn.edu

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Vivian L. Gadsden, Ed.D.
Chair, Faculty Senate
William T. Carter Professor of Child Development and Education
Via email: viviang@upenn.edu

Dear Vivian,

I write to ask that you, in your capacity as Chair of the Faculty Senate, convene a Hearing Board to review whether Professor Amy Wax's conduct constitutes a major infraction of University Standards under the Faculty Handbook. *Faculty Handbook Section II.E.16, Procedure Governing Sanctions Taken Against Members of the Faculty.*

I am initiating this disciplinary action because for several years and in multiple instances Wax has shown a callous and flagrant disregard for our University community—including students, faculty, and staff—who have been repeatedly subjected to Wax's intentional and incessant racist, sexist, xenophobic, and homophobic actions and statements. Wax's conduct inflicts harm on them and the institution and undermines the University's core values. Wax has made these statements in the classroom and on campus, in other academic settings, and in public forums in which she was identified as a University of Pennsylvania professor. Her statements are antithetical to the University's mission to foster a diverse and inclusive community and have led students and faculty to reasonably believe they will be subjected to discriminatory animus if they come into contact with her. That eminently reasonable concern has led students to conclude that they cannot take Wax's classes and faculty to call her presence demoralizing and disruptive.

Moreover, in public discussions about Law students' academic performance, Wax has disseminated false information about segments of the University community. She has exploited access to students' confidential grade information and mischaracterized Law School policies in ostensible support of derogatory and inaccurate statements made about the characteristics, attitudes, and abilities of her students. As a result of Wax's derogatory and misleading statements, students who have taken her classes have expressed anxiety that they will be accused of being at the bottom of their class since the number of minority students in her classes is finite and easily identifiable. Her conduct threatens to cause a chilling effect on students who have chosen to forego enrollment in her classes due to a concern they will be treated more harshly and unfairly relative to their white peers. In addition, her conduct is antithetical to the University's core mission to attract a diverse student body to an inclusive educational environment.

Finally, Wax's decision in 2021 to invite a renowned white supremacist, Jared Taylor, to be the featured guest speaker in a regular meeting of her Law School course, and to have Taylor

as her guest at a lunch with her students who were expected to attend, crosses the line of what is acceptable in a University environment where principles of non-discrimination apply. Although faculty members have broad discretion in their teaching and academic pursuits, Taylor's explicit racism, hate-speech, and white supremacy contravenes the University's express policies and mission, and his white supremacist ideology has been associated closely with those perpetrating violence towards minorities in this country and others. In both promoting this ideology herself, bestowing an honorific guest lecturer role on Taylor, and importing his views into our curriculum, Wax has caused profound harm to our students and faculty, and her escalating pattern of behavior raises risks of increased harm and escalating damage going forward.

I outline below the procedural history of this charge, the behavioral standards of both the University and the profession, and a more detailed account of Wax's conduct that constitutes a major infraction of those standards.

I. Procedural history.

Professor Amy Wax is currently the Robert Mundheim Professor of Law at the University of Pennsylvania Carey Law School. She joined the Law School's faculty, with tenure, on July 1, 2001. She was granted a named chair on July 1, 2006.

For at least a decade, Wax's well-known and escalating conduct, some examples of which are outlined below, has created an environment where students, faculty, and staff believe they would be subjected to Wax's discriminatory animus. The Law School has issued multiple and increasingly forceful statements condemning her behavior. In 2018, after publicly commenting on the academic performance and grade distributions of the Black students in her required first-year courses, Wax's conduct necessitated a prophylactic policy removing her from teaching required courses.

In April 2021, a group of ten Law alumni submitted a written complaint seeking the imposition of a major sanction against Wax. The Law School retained Daniel Rodriguez, former Dean of the Northwestern University Pritzker School of Law, to investigate the charges in that complaint. Dean Rodriguez conducted an investigation, which Wax declined to participate in, and provided an investigatory report outlining his findings. His report credited many of the allegations made against Wax and revealed additional instances of inappropriate conduct.

In January 2022, after another series of highly inflammatory and derogatory public comments by Wax, including proclaiming America would be "better off with fewer Asians and less Asian immigration," the Law School received additional complaints from students and alumni that Wax's conduct is having an adverse and discernable impact on her teaching and classroom activities. As part of my responsibility as Dean, I elected to aggregate all of the complaints the Law School has received against Wax to date, together with other information available to me, to serve as the named complainant for these matters. The Law School retained the law firm Quinn Emanuel in part to interview students, alumni, and faculty who stepped forward in support of its complaint against Wax. These interview statements have been incorporated below.

On March 2, 2022, I provided Wax with a written description of these charges, which included a summary of the negative impact her harmful comments have on our community. In the weeks that followed, I provided Wax with a copy of Dean Rodriguez's 2021 report.

On May 11, 2022, I met with Wax to afford her the opportunity for informal resolution of this matter in accordance with Faculty Handbook Section II.E.16.2.A. Former Deputy Dean Reed Shuldiner joined this meeting to serve in the role as "department chair," as the Law School does not have departmental chairs. No informal resolution was reached. During the meeting, Wax objected to the continuation of this process given her health concerns, and in a May 24, 2022 letter to Wax, I outlined the medical leave options available to all Law faculty, but noted that absent her request for medical leave, I would invoke the just cause procedures outlined in the Faculty Handbook. To my knowledge, Wax has not requested a leave.

Even after being made explicitly aware of the severely detrimental effect her comments have on our community, Wax continues to make inflammatory and derogatory statements, all while trading on her title and affiliation with this University, including most recently telling Tucker Carlson in April 2022 that "Blacks" and other "non-Western" groups harbor "resentment, shame, and envy" against Western people for their "outsized achievements and contributions even though "on some level, their country is a shithole."¹

II. Wax has repeatedly and flagrantly disregarded the University of Pennsylvania's Principles of Responsible Conduct and non-discrimination policies, as well as the customs and standards of professional competence.

Although the policy of the University is to encourage freedom of inquiry and discourse, Wax's conduct constitutes a major infraction of the University's behavioral standards outlined in the Faculty Handbook, including the following:

When speaking or writing as an individual, the teacher should be free from institutional censorship or discipline, but should note that *a special position in the community imposes special obligations*. As a person of learning and a member of an educational institution, the teacher should remember that the public may judge the profession and the institution by his/her utterances. Hence the teacher should at all times *show respect for the opinions of others*, and should indicate when he or she is not speaking for the institution. *Faculty Handbook Section II.A, Academic Freedom and Responsibility* (emphasis added).

The concomitant responsibility of faculty members, benefited and encouraged by the tenure system, is to *use the opportunities thus provided for the advancement of the purposes of the University and of the communities it serves*. These purposes include teaching and scholarship. *Members of the Standing Faculty are obliged to share in the teaching mission so that their students may advance in*

¹ <https://nation.foxnews.com/watch/88a707094b42181e759c8730ea5a17b7/>

learning. They are also obliged to push forward the frontiers of knowledge through study and research. These activities go hand in hand, for scholarship is unavailing if its results are not communicated, and a lively stimulus to learn is best imparted by one who is adding to our store of knowledge. *Faculty Handbook Section II.C.1, Tenure System at the University of Pennsylvania* (emphasis added).

Wax has repeatedly used the platform she was granted when she became a professor at the University to disparage immigrants, people of color, and women, including Law students, alumni, and faculty. Much of her public persona has become anti-intellectual: she relies on outdated science, makes statements grounded in insufficiently supported generalizations, and trades on the University's reputation to amplify her baseless disdain for many members of the University community.

The harm Wax causes when she repeatedly attacks the inherent value of our community members is real. No member of our community should be made to feel like they do not belong, are unwelcome, or are incapable of achieving excellence because of who they are or from whence they come. Wax's statements are a persistent and tangible reminder that racism, sexism, and xenophobia are not theoretical abstractions, but rather real and insidious beliefs in this country and on our campus.

The following is a detailed list of the relevant standards for faculty conduct that Wax has breached:

- 1. *Teaching faculty must avoid exploitation, harassment, and discriminatory treatment of students and must avoid conducting themselves in a manner reasonably interpreted as creating a hostile or discriminatory classroom.***

The mission of the University of Pennsylvania is, in part, to “offer a world class education to our students, train future leaders of our country, expand and advance research and knowledge, [and] serve our community and society both at home and abroad.” *Principles of Responsible Conduct*. To fulfill this mission, the University has prioritized inclusion and diversity “as a central component” in creating an “educational and working environment that best supports the University’s commitment to excellence in teaching, research, and scholarship.” *University of Pennsylvania’s Equal Opportunity and Affirmative Action Policy*.

Accordingly, professors must adhere to a basic standard of ethical and responsible conduct by treating students even-handedly and without harassment or discrimination, including “discrimination on the basis of irrelevant characteristics.” *Faculty Handbook, II.E.10; see also Principles of Responsible Conduct, Principle Two*. This basic standard of professional competence is reiterated by the American Association of University Professors (“AAUP”) Statement of Professional Ethics, which sets forth “general standards that serve as a reminder of the variety of responsibility assumed by all members of the profession.” The AAUP states professors must “avoid any exploitation, harassment, or discriminatory treatment of students.” *AAUP, Statement on Professional Ethics*.

Examples of Wax's discriminatory conduct on-campus include, but are not limited to:

- Telling Black student Ayana Lewis L’12, who asked whether Wax agreed with panelist John Derbyshire’s statements that Black people are inherently inferior to white people, that “you can have two plants that grow under the same conditions, and one will just grow higher than the other.” In an interview with Quinn Emanuel, Lewis reported that she felt devastated at being made to feel “not good enough” and like she “had to prove herself.” She explained that in that moment she felt “powerless” to respond to Wax because as a first-year student up against a tenured professor, “I had everything to lose and she had nothing to lose.” As a result, she felt forced to “box in” her feelings and let the moment go “unchecked,” which was incredibly difficult in the face of blatant racism.
- Telling Black student Lauren O’Garro Moore L’12 that she had only become a double Ivy “because of affirmative action.” O’Garro Moore reported to Quinn Emanuel that she was “stunned” and wanted to, but did not let herself, cry because “I have experienced people doubting whether I deserved to be in places where I was, and I’ve learned not to let them recognize that they’ve hurt me.” O’Garro Moore explained that especially as a first-year student, she spent a lot of time questioning whether she knew enough to be at Penn and was in the habit of second-guessing herself, so when Wax told her that, “everything about that really hurt.” O’Garro Moore reported feeling unable to respond to Wax in the moment for fear that if she was not “well- rehearsed” with research to defend herself, Wax would simply poke holes in her statements.
- Telling Jaime Gallen L’12 that Black students don’t perform as well as white students because they are less well prepared, and that they are less well prepared because of affirmative action.
- Emailing Gregory Berry L’10, a Black student, that “[i]f blacks really and sincerely wanted to be equal, they would make a lot of changes in their own conduct and communities.”
- Stating in class that people of color needed to stop acting entitled to remedies, to stop getting pregnant, to get better jobs, and to be more focused on reciprocity.²
- Stating in class that Mexican men are more likely to assault women and remarking such a stereotype was accurate in the same way as “Germans are punctual.”
- Commenting in class that gay couples are not fit to raise children and making other references to LGBTQ people that a student reported evinced a “pattern of homophobia.”
- Commenting after a series of students with foreign-sounding names introduced themselves that one student was “finally, an American” adding, “it’s a good thing, trust me.”
- Emailing student members of the National Lawyers’ Guild, which describes itself as the nation’s “oldest progressive bar association,” to make unfounded allegations that they impermissibly downloaded and reviewed the tape of the first class in her Conservative Political and Legal Thought seminar, and that such action was a potential violation of Law School rules and state law. This was despite being told by the Dean and Deputy Dean that the recording was the result of a technical error and that no student had acted improperly.

² The names of individual students who reported class-wide statements can be found in Dean Rodriguez’s August 3, 2021 report, Section VI.B.3.

- Inviting on campus Jared Taylor, one of the world’s most prominent white supremacists, for a mandatory lecture in her Law School course.³ To prepare for this class, Wax assigned an interview with Enoch Powell, a man who was ousted from his leadership role in the British Conservative party over fifty years ago for his inflammatory and racist public speeches, which today are influential among violent white supremacist groups and individuals worldwide. Law alumnus Apratim Vidyarthi L’22 reported to Quinn Emanuel that Taylor’s invitation on-campus felt “not just demeaning” but “threatening” to any student of color. Wax publicly justified Taylor’s invitation by arguing that his extremist views are “well within the subject matter of [her] course.”⁴
- Telling Reid Hopkins L’18, who was part of a larger group of students invited to her home, that “Hispanic people don’t seem to mind...liv[ing] somewhere where people are loud.”

Wax’s on-campus statements, the way she conducts her classroom, and the extreme and exclusionary voices she has inserted into the Law School’s curriculum have led minority students to report feeling “marginalized, isolated, unsupported, and unprioritized”⁵ and to reasonably conclude that her classroom is not an equal-opportunity learning environment. The impact and harm caused by this on-campus conduct is exacerbated and intensified by her numerous and highly-publicized “academic” speeches and interviews outside the classroom, which put forth a pseudo-scientific vision of white superiority and which students, colleagues, and others in this community are aware of and reasonably threatened by when they encounter her behavior and conduct on campus.

2. Faculty must evaluate each student’s true merit.

The American Association of University Professors Statement of Professional Ethics holds that professors must “demonstrate respect for students as individuals” and “make every reasonable effort to foster honest academic conduct and to ensure their evaluations of students reflect each student’s true merit.” *AAUP, Statement on Professional Ethics*.

³ According to the Southern Poverty Law Center, “Taylor hosts the annual American Renaissance Conference, where racist intellectuals rub shoulders with Klansmen, neo-Nazis and other white supremacists” and edited the discontinued American Renaissance magazine, which “regularly published proponents of eugenics and blatant anti-black and anti-Latino racists.” As a result, Taylor was named an “extremist” by the Southern Poverty Law Center and the Anti-Defamation League. <https://www.splcenter.org/fighting-hate/extremist-files/individual/jared-taylor>; <https://www.adl.org/sites/default/files/documents/assets/pdf/combating-hate/jared-taylor-extremism-in-america.pdf>

⁴ <https://podtail.com/en/podcast/cotto-gottfried/amy-wax-on-life-as-a-persecuted-conservative-in-th/>

⁵ Summer 2019 Statement Re: Immigration Remarks from Penn Law Professor Amy Wax (<https://docs.google.com/forms/d/e/1FAIpQLSfbZe8jPHNzNB6J9113xS-kLtd2x59Nw97BZgAWZhTZ4EwIdQ/viewform?fbclid=IwAR03-nnDcijd5NS5H8WL1Ac-y1cuheuXDKWfn3Y1-DbcX41p5KLcAEZN-nI>)

In addition to the statements Wax has made directly to students or in class, her public commentary espousing derogatory and hateful stereotypes has led students to reasonably conclude that she is unable to evaluate them fairly based on their individualized merit rather than on unmistakable biases she possesses related to race, sex, national origin, and socioeconomic class. Wax has repeatedly made public bigoted statements against women, Black people, Asian people, immigrants, and members of the LGBTQ community, including but not limited to:

- Stating, based on misleading citation of other sources, that “women, on average, are less knowledgeable than men,” women are “less intellectual than men” and there is “some evidence” for the proposition that “men and women differ in cognitive ability.”⁶
- Stating that “our country will be better off with more whites and fewer nonwhites.”⁷
- Stating that Blacks have “different average IQs” than non-Blacks, could “not be evenly distributed through all occupations,” and that such a phenomenon would not be “due to racism.”⁸
- Stating “some of them shouldn’t” even go to college in reference to Black students who attend Penn Law and its peer schools.⁹
- Stating that Asians have an “indifference to liberty,” lack “thoughtful and audacious individualism” and that “the United States is better off with fewer Asians and less Asian immigration.”¹⁰
- Stating that immigrants with “Brown faces, Asian faces . . . feel anger, envy, and shame,” and expressing her disbelief that they would criticize the United States when “on some level, their country is a shithole.”¹¹
- Stating that “groups have different levels of ability, demonstrated ability, different competencies,”¹² and that there are “clear individual and group differences in talent, ability, and drive” between races.¹³
- Stating that “there were some very smart Jews” among her past students but that Ashkenazi Jews are “diluting [their] brand like crazy because [they are] intermarrying.”¹⁴

⁶ <https://www.newyorker.com/news/q-and-a/a-penn-law-professor-wants-to-make-america-white-again>; <https://www.youtube.com/watch?v=AhyeUd7vOe4&t=21s>

⁷ <https://thefederalist.com/2019/07/26/heres-amy-wax-really-said-immigration/>

⁸ <https://www.youtube.com/watch?v=AhyeUd7vOe4&t=21s>

⁹ <https://youtu.be/cb9Ey-SsNsg>

¹⁰ https://glennloury.substack.com/p/amy-wax-redux?utm_source=url

¹¹ <https://nation.foxnews.com/watch/88a707094b42181e759c8730ea5a17b7/>

¹² <https://www.youtube.com/watch?v=AhyeUd7vOe4&t=21s>

¹³ https://glennloury.substack.com/p/amy-wax-redux?utm_source=url

¹⁴ <https://www.youtube.com/watch?v=AhyeUd7vOe4&t=21s>

- Stating that low-income students may cause “reverse contagion,” infecting more “capable and sophisticated” students with their “delinquency and rule-breaking.”¹⁵
- Stating that “if you go into medical schools, you’ll see that Indians, South Asians are now rising stars. . . . [T]hese diversity, equity and inclusion initiatives are poisoning the scientific establishment and the medical establishment now.”¹⁶
- Writing without valid support that some cultures are “not equal in preparing people to be productive in an advanced economy,” including “the anti-‘acting white’ rap culture of inner-city blacks,” and “the anti-assimilation ideas gaining ground among some Hispanic immigrants.”¹⁷
- Stating that “fairness requires that we open channels of opportunity to women, although I will say that you know, the crusty old patriarchs of old, in being reluctant to do that, they were kind of on to something.”¹⁸
- Stating that “given the realities of different rates of crime, different average IQs, people have to accept without apology that Blacks are not going to be evenly distributed through all occupations.”¹⁹
- Stating that it is “overly optimistic” to think that “Blacks would be in the same position as whites if we had not been a racist society.”²⁰
- Stating that students at the Law School are “cowed benighted sheeple” who “are ignorant” and “know nothing.”²¹

Although faculty members have great freedom to speak in ways that diverge from majority or institutional views, that freedom accompanies a correlative responsibility to adhere carefully to standards of research accuracy and attribution, particularly on subjects that, if not protected by academic freedom, might verge on group defamation or harassment and hostility. Wax’s public comments about gender, race, and ethnicity have on numerous occasions breached fundamental ethical and research standards of rigor and attribution.

For example, in support of her sexist claims that “women are less thoughtful than men,” she has mischaracterized the source and improperly cited a decades-old study for present tense meaning. Notably, the author of the study has stated that it does not stand for the proposition Wax cites it for, clarifying that his research was about the life choices of men and women and

¹⁵ *Harvard Journal of Law and Public Policy*: “*Educating the Disadvantaged: Two Models*,” June 2017

¹⁶ https://glennloury.substack.com/p/amy-wax-contesting-american-identity?utm_source=url

¹⁷ Wax, Amy and Larry Alexander. Op-Ed: Paying the Price for Breakdown of the Country’s Bourgeois Culture, *Philadelphia Inquirer*, August 9, 2018

¹⁸ <https://www.youtube.com/watch?v=AhyeUd7vOe4&t=21s>

¹⁹ <https://www.youtube.com/watch?v=AhyeUd7vOe4&t=21s>

²⁰ https://www.youtube.com/watch?v=jZnbDhrw_DI

²¹ <https://www.youtube.com/watch?v=AhyeUd7vOe4&t=21s>

did not address claims such as women being less intellectual than men.²² As another example of her lack of factual support, Wax claimed that the *University of Pennsylvania Law Review* had a racial diversity mandate when it does not.²³ On another occasion, when challenged regarding her unsupported and uncited claim that communities that are “more diverse” litter more, she responded that “[s]ociologists don’t study this stuff,” when in fact there are multiple studies on the topic. Lastly, Wax proclaimed that “there is essentially no science being done in a place like Malaysia. No science, no technology coming out.” This is patently false.²⁴

Wax’s pervasive and derogatory racism and sexism expressed in public statements, taken together with her behavior in the classroom, leads reasonable students to conclude that they will be judged and evaluated based on their race, ethnicity, gender, national status, or sexual orientation rather than on their academic performance and “true merit.” Students have expressed it is “impossible to fathom” that Wax will “treat non-conservative, not-white students fairly.”²⁵ Vidyarthi reported that in speaking with his peers, some have expressed they were intrigued by the ideas of Wax’s Conservative Legal Thought class but “don’t want to take the risk of being treated unfairly.”

In fact, several Black students in Wax’s Civil Procedure course reported that in the aftermath of her inflammatory interview with Glenn Lowry in 2017, they “deliberately steered clear” of Wax, “did not feel comfortable engaging her throughout the semester and did not trust that she was committed to creating a productive learning environment for all students.”²⁶ One student reported feeling “extremely vulnerable and afraid” working on a student law journal with Wax, in part, based on her claims that women and people of color, like the student, are generally unqualified to be in elite higher education institutions.²⁷

Minority students also reported they were “discouraged” from applying for clerkships when Wax was on the clerkship committee and questioned whether the committee would zealously advocate for them, in light of Wax’s views. Similarly, alumna Amy Laura Cahn L’09 reported to Quinn Emanuel that when Wax was on the Clerkship Committee, she did not seek Wax’s counsel and felt Wax “would not have been accessible and would not have had an open door” to Cahn as a queer student.

²² <https://www.newyorker.com/news/q-and-a/a-penn-law-professor-wants-to-make-america-white-again>

²³ <https://www.youtube.com/watch?v=cb9Ey-SsNsg>

²⁴ <https://oec.world/en/profile/country/mys>

²⁵ January 3, 2022 Letter to Dean Ruger and the Faculty Senate Executive Board <https://docs.google.com/document/d/1muCvT8IBZZnjIvWGboFJhNQnDs3bZ9ULTCyDFuPg1F8/edit>

²⁶ Complaint Regarding Professor Amy Wax’s Employment at the University of Pennsylvania Carey Law School (April 27, 2021)

²⁷ Complaint Regarding Professor Amy Wax’s Employment at the University of Pennsylvania Carey Law School (April 27, 20201)

After Wax’s anti-Asian comments earlier this year, Asian American students expressed to Wax’s faculty colleague Tobias Wolff their concern with her blatantly anti-Asian sentiment and reported feeling “crushed” hearing her statements in the current climate of increased anti-Asian violence.

3. *Teaching faculty must respect the confidential nature of the relationship between professor and student.*

Faculty may be aware of confidential information as it relates to students and are expected to maintain the confidentiality of such information “so as to protect it from improper disclosure and to protect the privacy interests of members of our community.” *Principle Seven, Respect for Privacy and Confidentiality; see generally Faculty Handbook IV.J. Policy on the Confidentiality of Student Records.* Law School grades and grade distributions are confidential. On multiple occasions, Wax has violated the confidential relationship with her students by publicly discussing their performance, including but not limited to:

- Discussing specific grade distributions in her first-year Civil Procedure course in a 2017 interview.²⁸
- Stating in a 2017 interview “I don't think I've ever seen a black student graduate in the top quarter of the [Penn Law School] class and rarely, rarely in the top half” and “I can think of one or two students who've graduated in the top half of my required first-year course.”²⁹
- Stating, incorrectly, in a 2017 interview that the *Law Review* has a diversity mandate in its confidential selection process.³⁰
- Discussing student grade distributions by race again in a 2022 interview with Tucker Carlson where she explains that she is “specifically drawing on [her] experience as a teacher of a large first-year class in which I have seen all the data, every single bit of it, . . . and my service on the clerkship committee, where we see students ranked quite explicitly”³¹
- Stating that Black students tend not to graduate at the top of the class and adding “anybody who teaches law school knows this to be true.”³²
- Stating no law professor can honestly say that “Blacks are evenly distributed throughout the class, top, middle, and bottom.”³³

²⁸ <https://www.youtube.com/watch?v=cb9Ey-SsNsg>;
<https://www.youtube.com/watch?v=u0GB0LffzCk>

²⁹ <https://www.youtube.com/watch?v=cb9Ey-SsNsg>

³⁰ <https://www.youtube.com/watch?v=cb9Ey-SsNsg>

³¹ <https://nation.foxnews.com/watch/88a707094b42181e759c8730ea5a17b7/>

³² <https://www.youtube.com/watch?v=AhyeUd7vOe4>

³³ <https://www.youtube.com/watch?v=AhyeUd7vOe4>

The numbers of Black students in Wax's classes in any given year is limited and finite, such that her discussion of their alleged performance reveals impressions and facts about identifiable individuals in her courses. These public statements have contributed to students concern that they will be treated as de facto research subjects in support of her harmful bigotry.

4. Faculty must show respect for others, including faculty.

As a colleague to other staff and faculty, Wax has "obligations that derive from common membership in the community of scholars." *AAUP's Statement of Professional Ethics*. Among those obligations is to treat colleagues even-handedly and without discrimination and harassment. *Principles of Responsible Conduct; University of Pennsylvania Nondiscrimination Statement*. Penn's Principles for Responsible Conduct advance a no-tolerance approach in the workplace to conduct that constitutes harassment on the basis of race, gender, sexuality, ethnicity, and national origin, among others. *Principle Two, Respect for Others in the Workplace*.

Wax has made repeated disparaging comments to and about faculty colleagues that violate this standard and exhibit a disregard for her colleagues and her role at the University, including but not limited to:

- Telling a Black faculty colleague, Anita Allen, that it is "rational to be afraid of Black men in elevators."
- Stating, while on a panel with openly gay faculty colleague Tobias Wolff, that no one should have to live in a dorm room with a gay roommate and, separately, that same-sex relationships are self-centered, selfish and not focused on family or community. Wolff reported to Quinn Emanuel feeling "distressed" and that it was "striking she would choose to hold forth that way with me sitting there." Wolff reported that conversations or disagreements with Wax end with "being made to feel you are a fundamentally debased human being."
- Referring to her faculty colleagues who criticized her behavior by name as "anti-role models" in a talk given to an audience of law students.³⁴

Wax's actions towards her colleagues, coupled with the stereotypical, demeaning, and false statements she has made about the racial, gender, and ethnic groups to which many of them belong, have led her colleagues to report that her conduct is harassing and her presence on-campus is demoralizing and disruptive.

III. Wax's repeated violations of University standards warrant the creation of a Hearing Board to consider major sanctions.

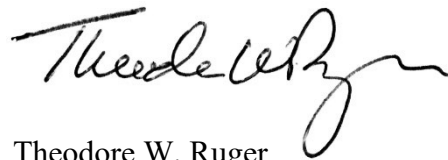
Academic freedom for a tenured scholar is, and always has been, premised on a faculty member remaining fit to perform the minimal requirements of the job. However, Wax's conduct demonstrates a "flagrant disregard of the standards, rules, or mission of the University." *Faculty Handbook Section II.E.16, Procedure Governing Sanctions Taken Against Members of the Faculty*. Numerous students have expressed a mistrust of her ability to fairly instruct or judge

³⁴ <https://www.youtube.com/watch?v=vXZ-s5ASHnw>

them based on their individual merit. Moreover, students, faculty, and alumni have expressed that Wax's persistent racist and bigoted on- and off-campus statements have created a demoralizing and demeaning environment for them.

Although imposing sanctions on a faculty member of the University of Pennsylvania is a "rare event," *Faculty Handbook Section II.E.16, Procedure Governing Sanctions Taken Against Members of the Faculty*, Wax's continuous violations of University standards, the increasingly negative impact her conduct has had on students, faculty, and staff and her flagrant disdain and disregard of University policies and procedures—indeed its core mission—constitutes a major infraction of University standards under the Faculty Handbook. Thus, I respectfully request the formation of a Hearing Board under Section II.E.16.4.A. to conduct a full review of Professor Wax's conduct, and the severe harms she has caused to our community, and to ultimately impose a major sanction against her.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore W. Ruger". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Theodore W. Ruger
Dean and
Bernard G. Segal Professor of Law